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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| TRANSMITTAL FORM APR 03 2006 (to be used for all correspondence after initial filing) | Application Number | 10/695,040 |
| | Filing Date | October 27, 2003 |
| | First Named Inventor | Thomas Fox, et al. |
| | Art Unit | 2832 |
| | Examiner Name | Kyung S. Lee |
| | Attorney Docket Number | 21220/04146 |
| Number of Pages in This Submission | | 6 |

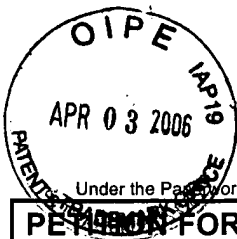
| ENCLOSURES (Check all that apply) | | |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Return Receipt Postcard. |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | Petition for Revival... |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | Supplemental Statement of Facts.. |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | Renewed Petition under 37 C.F.R.... |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 03-0172. | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--------------------------------------------|-------------------------------|----------|--------|
| Firm Name | Calfee Halter & Griswold, LLP | | |
| Signature | <i>Mark R. Hull</i> | | |
| Printed name | Mark R. Hull | | |
| Date | March 31, 2006 | Reg. No. | 54,753 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------|----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | |
| Signature | <i>Yvonne Duncan</i> | | |
| Typed or printed name | Yvonne Duncan | Date | March 31, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
21220/04146

First named inventor: Thomas Fox

Application No.: 10/695,040

Art Unit: 2832

Filed: October 27, 2003

Examiner: Kyung S. Lee

Title: FLOAT SWITCH TRANSIENT SUPPRESSION DEVICE

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in
the form of Response to Restriction Requirement (identify type of reply):

- ☒ has been filed previously on August 11, 2005.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Mark R. Hull
Signature

March 31, 2006
Date

Mark R. Hull

Typed or printed name

54,753

Registration Number, if applicable

1400 McDonald Investment Center, 800 Superior Avenue

Address

216-622-8419

Telephone Number

Cleveland, Ohio 44114-2688

Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Charge our Deposit Account No. 03-0172 for any additional fees related this revival

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

March 31, 2006
Date

Kyonne Griffin Duncan
Signature

Kyonne Griffin Duncan

Typed or printed name of person signing certificate

CERTIFICATE OF MAILING

I hereby certify that this PETITION is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 31st day of March, 2006.

Signed: _____

Yvonne Duncan

Customer Number

24024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Application of

Thomas Fox, et al.

Serial No.: 10/695,040

Filed: October 27, 2003

For: **FLOAT SWITCH TRANSIENT
SUPPRESSION DEVICE**

Examiner: Kyung S. Lee

Group Art Unit: 2832

Confirmation No.: 5737

Attorney Docket No.: 21220/04146

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Renewed Petition under 37 C.F.R. §1.137(a)
and, in the alternative
Petition For Revival of an Application Abandoned
Unintentionally under 37 C.F.R. §1.137(b)**

Dear Sir:

Applicants, through their attorneys, hereby request reconsideration of the decision to dismiss the petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181 dated February 10, 2006.

The decision indicates that petitioner had not satisfied the statement requirement as set forth in *Delgar v. Schulyer*. Further, the decision also indicates that the petitioner had not fully explained the delay between the time when the office action was noted during a routine Private PAIR search and when the petition was mailed.

In support of this renewed petition, applicants present herewith:

- (1) A supplemental statement of facts making the requisite statement and more fully explaining the reasons for the delay;

In the alternative, if the above request for reconsideration is dismissed, applicants, through their attorneys, hereby petition for Revival of an Application Abandoned Unintentionally under 37 C.F.R. §1.137(b) In support of this petition, applicants present herewith:

- (1) Form PTO/SB/64 along with authorization to charge the required petition fee per 37 C.F.R. §1.17(m) to our Deposit Account Number 03-0172.

It is believed that no additional fees are due with this Request for Reconsideration, however, if any additional fees are due with this matter, please charge our Deposit Account Number 03-0172.

Respectfully submitted,

Date: Mar. 31, 2006

By: 
Mark R. Hull, Reg. No. 54,753
(216) 622-8419
mhull@calfee.com



Yvonne Duncan
Yvonne Duncan

Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For: **FLOAT SWITCH TRANSIENT
SUPPRESSION DEVICE**

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Attorney Docket No.: 21220/04146

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Supplemental Statement Of Facts Supporting
Renewed Petition under 37 C.F.R. §1.137(a)**

Dear Sir:

As attorney of record, I, Mark R. Hull, have first-hand knowledge of the facts supporting this renewed Petition.

Additional Facts Regarding Delay

On April 27, 2005, a routine Private PAIR search was completed by our office. The search revealed that a Restriction Requirement corresponding to the above-identified patent application was mailed on January 27, 2005 with a one month response period set for February 27, 2005. Thus, when our office discovered that a Restriction Requirement was mailed, the response to the Restriction Requirement was already two (2) months past due. Since the application, therefore, was already abandoned as of February 28, 2005, our office decided that

the best course of action would be to wait until we received a Notice of Abandonment from the U.S. Patent and Trademark Office (USPTO) before responding. The decision to wait for the Notice of Abandonment was based on the belief that the USPTO would most effectively be able to act on a request for withdrawal of abandonment after a Notice of Abandonment was issued. In that regard, our office was concerned that unnecessary confusion would result if the USPTO received a Petition to Revive the application before an official Notice of Abandonment was issued. Upon receipt of the Notice of Abandonment dated August 1, 2005, the petitioner promptly filed a Petition to Withdraw a Holding of Abandonment According to 37 C.F.R. §1.181(a) on August 11, 2005.

Required Statement Under Delgar v. Schulyer

The Office communication, mailed on January 27, 2005, was not received by the practitioner, Mark R. Hull, and a search of the file jacket and docket records indicates that the Office communication was not received by our office. A copy of the docket record supporting this statement was attached with the previous petition dated August 11, 2005.

Respectfully submitted,

Date: March 31, 2006

By: 
Mark R. Hull, Reg. No. 54,753
(216) 622-8419
mhull@calfee.com